

## **MINUTES**

### **NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

#### **EDUCATION AND TRAINING COMMITTEE**

**August 17, 2017**

The Education and Training Committee of the North Carolina Criminal Justice Education and Training Standards Commission met in Room 1826 of the Public Safety Training Center, Wake Technical Community College, Raleigh, NC. Chairperson Robin Pendergraft called the meeting to order at 1:00 pm. Those in attendance were:

- \*Robin Pendergraft, Attorney General of the State of North Carolina- Ex-Officio Member
- \*Kenneth Mullen, NC Criminal Justice Association
- \*Lee Farnsworth, NC Law Enforcement Officers' Association
- \*Steve Johnson, Appointment by the General Assembly- Speaker of the House
- \*Tracy McPherson, Department of Community Colleges- Ex-Officio Member
- \*Chris Blue, NC Police Executives Association
- \*Nathan Mizell, Jr., NC Law Enforcement Training Officers' Association
- \*Erik Hooks, Secretary, NC Department of Public Safety- Ex Officio Member
- \*Glenn McNeill, Jr., NC Department of Public Safety; Colonel, NC State Highway Patrol
- \*Stephanie Freeman, Appointment by the Governor- Correctional Officer-OSDT

#### **Visitors**

Eddie Caldwell, Vice-Chairman CJ E&T Standards Commission  
William Hollingsed, Chairman CJ E&T Standards Commission  
Felicia Banks, NC Department of Public Safety, OSDT  
Frank Rutledge, Randolph Community College  
Regina Brewer, Randolph Community College  
Trooper Troy Pope, NC Department of Public Safety, NC SHP  
Richard Squires, CJ Training and Standards Division  
Frank Scuiletti, NC Community College  
Michelle Schilling, CJ Training and Standards  
Charminique Williams, CJ Training and Standards

#### **Staff**

Marie Evitt, NC Department Of Justice  
Whitney Belich, NC Department Of Justice  
Donna Byrd, Criminal Justice Standards Division  
Steven G. Combs, Director, NC Criminal Justice Standards Division  
Bob Overton, NC Criminal Justice Standards Division  
Trevor Allen, Director, NC Justice Academy  
Stacy Holloman, Deputy Director, NC Justice Academy  
Dan Worley, NC Justice Academy  
Tony Losada, NC Justice Academy  
Gary Dudley, NC Justice Academy  
Vicki Helms, NC Justice Academy

\*Committee Members

## **WELCOME/SWEARING-IN/ROLL CALL**

Chairperson Robin Pendergraft welcomed members and guests. The meeting was called to order with an introduction of the newest member Ms. Stephanie Freeman. She was officially sworn in and accepted her position as the newest Committee member on the Education and Training Committee. The roll was called and a quorum was present.

Commissioner Stephanie Freeman shared her excitement being a part of the Committee and shared how pleased she was for the opportunity to serve. She has served with training officers and was Curriculum Manager for the Office of Staff Development and Training. Ms. Freeman assumed Charles Walston's position as the Director of the Office of Staff Development and Training with the Department of Public Safety, Division of Adult Corrections and Juvenile Justice.

## **MINUTES**

Commissioner Chris Blue proposed a **motion** to accept the minutes of the May 17, 2017 meeting with a **second** from Commissioner Nathan Mizell, **motion carried**.

## **COMMISSION ACTION**

### **ADMINISTRATIVE CODE - INSTRUCTOR TRAINING WRITTEN EXAM**

On behalf of the CJ Standards Division, Bob Overton, appeared before the Committee and proposed a rule change to increase units and a basic word change to the *General Instructor Curriculum, 12 NCAC 09B .0413(a) – Comprehensive Written Exam - Instructor Training*.

The request would require a rule change for the following rule:

- 12 NCAC 09B .0413(a) – Comprehensive Written Exam - Instructor Training

Having approved the recommendations as presented, Commissioner Lee Farnsworth proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule ***12 NCAC 09B .0413(a) – Comprehensive Written Exam- Instructor Training*** as follows:

- Change the number of units from “12” to “15” and delete the word “Basic” in paragraph (a).

With a **second** from Commissioner Kenneth Mullen, **motion carried**.

### **ADMINISTRATIVE CODE – STATUE CHANGE N.C G.S. 8-50.2 – RADAR RELIABILITY ACT**

On behalf of the SMI Advisory Committee, SMI Program Administrator Bob Overton with the CJ Standards Division, appeared before the Committee and proposed a statutory language change to the *NC General Statute 8-50.2 Results of Speed-Measuring Instruments: Admissibility (Radar Reliability Act)* and is seeking sponsorship with the General Assembly to strike the language.

The Radar Reliability Act is a foundational statute which established admissibility of the results from speed measurements and annual tests for accuracy required for speed measuring instruments. The International Association of Chiefs of Police managed the Federal oversight of Radar Testing Standards, but this responsibility had since shifted to the National Highway Traffic and Safety Administration. The two entities appointed to administer testing were the Institute of Police Technology and Management in Jacksonville, Florida and San Diego State University in California. These facilities have never administered any tests since their appointment.

The request would require a statutory change for the following statute:

- N.C. General Statute 8-50.2 – Results of Speed-Measuring Instruments; Admissibility (Radar Reliability Act)

Having approved the recommendations as presented Commissioner Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to authorize the revision to Appendix B with stricken language to paragraph C of ***N.C. General Statute 8-50.2 Sub Section C– Results of Speed-Measuring Instruments: Admissibility (Radar Reliability Act)*** as follows and ***appoint a liaison to seek sponsorship with the General Assembly and strike the language:***

- Delete the following language in paragraph (c): “or by a laboratory established by the International Association of Chiefs of Police.”

With a **second** from Commissioner Nathan Mizell, **motion carried**.

A second motion is needed once the change in law becomes effective to revise Appendix B. This will be a Committee Action to complete the process.

## **ADMINISTRATIVE CODE - MILITARY TRANSFEREES**

On behalf of the CJ Standards Division, Deputy Director Richard Squires, appeared before the Committee and proposed a rule change for *12 NCAC 09B .0701(f)(4)- Military Transferees*. In 2015, NC State Law passed a rule change requiring military transferees a maximum of 300 training hours with 120 hours mandated in the Civil Process and Legal Unit, therefore allowing the Commission to mandate 180 hours of training in a high liability area. The topic area Individuals with Mental Illness and Developmental Disabilities has been modified which resulted in 16 additional training hours added to what was already mandated. The Commission has to determine what topics would remain for the maximum required hours.

The request would require a rule change for the following rule:

- 12 NCAC 09B .0701(f)(4) – Military Transferees

Having approved the recommendation as presented, Commissioner Lee Farnsworth proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule, **12 NCAC 09B .0701(f)(4) – Military Transferees** as follows:

- Modify the language in paragraph (f)(4) to move the 12 hours for “Preparing for Court and Testifying in Court” from the Legal Unit to the Practical Applications Unit within BLET.

With a **second** from Commissioner Chris Blue, **motion carried**.

Director Allen advised rule making was granted previously and the next public hearing will be November 2017 with an effective date of January 1, 2018. Richard Squires stated, if no changes were made by state law he can require the proposed 180 hours, but if there are additional hours over 180, he would decide through an evaluation process what topic areas to reduce. Commissioner Johnson shared his concern regarding the increased hours and suggested this issue be addressed before the General Assembly. Commissioner Pendergraft advised presenting to the Legislature in May to explain that such adjustments will be a reoccurring issue under the current law.

Commissioner Blue stated he would like the Committee flexibility to raise the BLET standards and identify additional opportunities for advanced training without restricted hours.

Commissioner Pendergraft stated a suggestion was made to remove 2 hours from Firearms Training with the understanding the last 2 hours will possibly be completed even though it has not been mandated. If the hours are taken out of the Legal Unit and moved to the Practical Application, the code would also need to be changed. This will allow 12 hours for adjustments now and the remaining hours during the short session next year. This issue will be addressed again in January 2018. Trevor Allen stated the process can begin and the Committee can request rule making revision to 12 NCAC 09B .0205, Basic Law Enforcement, allowing the topics revised under the Legal Unit and removing hours elsewhere for completion by the next meeting.

Commissioner Johnson also proposed a **motion** for the Committee to provide guidance to the Standards Division for changes in Military Transferees Training by removing 12 hours from “Preparing for Court and Testifying in Court” and 2 hours from “Orientation” to meet the 180 hour requirement, therefore leaving 2 additional hours removed at a later time.

With a **second** from Commissioner Nathan Mizell, **motion carried**.

## **COMMITTEE ACTION**

### **INSTRUCTOR TRAINING REVISION COMMITTEE**

On behalf of the Instructor Training Revision Committee, Gary Dudley, NC Justice Academy appeared before the Committee and recommended major revisions to the Instructor Training Manual consistent with previous approved amended NC

Administrative Codes and requested approval for Pilot Delivery in three (3) locations: Rowan Cabarrus; the East and West campuses of the NC Justice Academy. The curriculum will be revised based upon delivery and a request for approval will be addressed at the November 2017 meeting with an effective date in January 2019.

The revisions were made to the following:

- Fifteen blocks of instruction were identified, increasing the block of instruction by three.
- Nine of the lesson plans were revised while six are new lesson plans. Of the six new lesson plans, three (Classroom Management, Instructional Leadership, and Instructional Styles and Platform Skill) replaced the single lesson plan Methods and Strategies; Adult Learning replaced Teaching Adults; Lesson Plan Development and Formatting replace Lesson Plan Preparation: Formatting and Objectives.
- Course Closing was formalized into an ISD formatted lesson plan and includes a required post-test.

Commissioner Freeman proposed a **motion** to approve the submitted revisions to the Instructor Training Manual and allow Pilot Authority for 3 requested locations, with a **second** from Commissioner Nathan Mizell, **motion carried**.

Commissioner Johnson suggested the topic areas might better serve as part of the one hour required annual instructor update. The material taught within the two weeks of classroom training could be utilized to teach writing lesson plans and changes required for Instructor Certification Renewal. He emphasized focusing on platform skills, training aids and similar training. The one hour in Course Closing and Classroom Management could be utilized in the Course Requirements Section.

Commissioner Freeman stated the revisions made had increased student involvement, hands on activities and practical exercises with less lecture based topics. She suggested this was by student requests and it provides additional opportunities for students to practice these skills. Trevor Allen reminded everyone rule making authority was given at the May meeting to revise rules based on the project curriculum with the understanding the rule can be pulled at any time.

Mr. Gary Dudley Training Manager for the Commission In-Service Center at the NC Justice Academy officially announced his retirement effective November 1, 2017. He has served at the academy as Training Manager for the past 5 years.

### **SUBJECT CONTROL AND ARREST TECHNIQUES REVISION COMMITTEE**

The next agenda item under **Committee Action** was Proposed Subject Control and Arrest Technique Instructor Curriculum presented by Tony Losada. However this item was requested by Director Trevor Allen of the NC Justice Academy to be re-tabled and placed on the November 2017 meeting's agenda.

## **SCHOOL ACCREDITATION COMMITTEE**

On behalf of the School Accreditation Subcommittee, Deputy Director Michelle Shilling, CJ Standards Division, appeared before the Committee and presented several schools that have applied for re-accreditation. Field representatives conducted an audit and recommend in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission-Accredited Courses the following institutions be re-accredited for a period of five (5) years: Cape Fear Community College, Chapel Hill Police Department, Gaston College, Pitt Community College and Southwestern Community College; and re-accreditation for a period of one (1) year for Martin Community College with the condition the CJ Standards Division closely monitor and conduct frequent checks to ensure continued compliance is maintained.

Re-Accreditation for five (5) years:

- Cape Fear Community College – BLET, SMI, General Instructor Training
- Chapel Hill Police Department - BLET
- Gaston College – BLET, SMI, General Instructor Training
- Pitt Community College – BLET, SMI, General Instructor Training
- Southwestern Community College – BLET, SMI, General Instructor Training

Commissioner Mizell proposed a **motion** to approve the recommendation of Cape Fear Community College, Chapel Hill Police Department, Gaston College, Pitt Community College and Southwestern Community College for ***re-accreditation for the period of five (5) years.***

With a **second** from Commissioner Lee Farnsworth, **motion carried.**

The re-accreditation audit for Martin's Community College showed several deficiencies which were corrected on several occasions. Concern was expressed by the college president and staff at the Standards Division with the suggestion for additional checks and a shorter re-accreditation period until the college maintained compliance. It was proposed Martin Community College undergo a year with frequent checks to establish improved behavior and ensure compliance is maintained.

Re-Accreditation for one (1) year with conditions:

- Martin Community College – BLET

Commissioner Freeman proposed a **motion** to approve the recommendation of Martin Community College for ***re-accreditation for the period of one (1) year with frequent rechecks allowed as necessary for the Standards Division Staff to assure compliance.***

With a **second** from Commissioner Kenneth Mullen, **motion carried.**

## **EDUCATION AND TRAINING COMMITTEE - CURRICULUM REVISION POLICY**

On behalf of the NC Justice Academy, Director Trevor Allen appeared before the Committee and proposed revisions to the Curriculum Revision Policy established for the Education and Training Committee - NC Criminal Justice Education and Training Standards Commission. The revisions were corrected titles currently used by the NC Department of Public Safety.

The request would make changes to the following:

- Under procedure, section 1(c), change the paragraph to read “Correctional Training and Specialized Instructor Programs related to correctional training (Agency Head, Chief Deputy Secretary of the Department of Public Safety, Division of Adult Correction and Juvenile Justice)”
- Under procedure, section 1(d), change the paragraph to read “Juvenile Court Counselors, Chief Court Counselors and Juvenile Justice Officers (Agency Head, Chief Deputy Secretary of the Department of Public Safety, Division of Adult Correction and Juvenile Justice)”

Commissioner Stephanie Freeman proposed a **motion** to accept the changes to the Curriculum Revision Policy as presented, with a **second** from Commissioner Tracy McPherson, **motion carried**.

## **INFORMATIONAL ITEMS**

### **HIGHER EDUCATION LAW ENFORCEMENT COMMITTEE**

On behalf of the Higher Education Law Enforcement Committee, Dr. Frank Scuiletti, NC Community College System, appeared before the Committee and provided the updated progress on the Public Service Administration Associates Degree that is being proposed by Central Piedmont Community College.

Dr. Scuiletti is the Program Coordinator for the NC Community College System responsible for working with colleges to process their requests for establishing new and revised programs with the Community College State Board and Curriculum Review Committee.

A goal of the program is to allow for law enforcement training credits to count as credit towards this new degree and for it to provide an academic pathway for students from high school to community colleges and through to universities if desired.

The program request is currently going through the state wide community college system vetting and approval process with a hope of having a program available for implementation as early as Fall 2018.

The purpose of a higher education is to reach law enforcement individuals at various stages and enroll them in courses that will further their career using the community college system and credit for prior learning. There are officers who are currently employed who will have the advantage of receiving credit for work related training if this new program can be implemented. Commissioner Pendergraft thanked Dr. Scuiletti for



his contribution toward finding a resolution to enable a way for law enforcement to reach the goal of higher education.

*The next topic two topics on the agenda are Informational items which order was switched: Parameters of Long Gun Low Light Qualification and Samarcand Training Academy Specialized Instructor Courses.*

### **SAMARCAND TRAINING ACADEMY SPECIALIZED INSTRUCTOR COURSES**

On behalf of the Samarcand Training Academy, Erik Hooks, NC Dept. of Public Safety, appeared before the Committee to provide information on a future training request for Specialized Instructor Training Programs. The Samarcand Training Academy was designated as a Law Enforcement and Corrections Training Facility for the Dept. of Public Safety in 2013 from the conversion of a youth facility that resided in Moore County. In 2015 it was officially designated as a training facility and has grown with a budget of twenty two million dollars appropriated for training.

A future request will be proposed to allow the Samarcand Training Academy to host Instructor Training and language change to several rules under the following Administrative Codes:

- 12 NCAC 09B .0210-11, 12 NCAC 09B .0215, 12 NCAC 09B .0218-19, 12 NCAC 09B .0226 -27, 12 NCAC 09B .0232-33. 12 NCAC 09B .0237, 12 NCAC 09B .0239 and 12 NCAC 09B .0417.

The discussion began last week after the agenda had been delivered and further discussions will be held at the November meeting with a packet of information detailing the requests.

### **PARAMETERS OF LONG GUN LOW LIGHT QUALIFICATION**

Commissioner Steve Johnson appeared before the Committee and provided information related to the parameters of Long Gun Low Light Qualification. He recommended revisions to the In-Service Training Manual incorporating low light firing with other weapons. The recommended changes apply to Shotgun Day, Shotgun Night, Rifle/Carbine Day and does not include Sniper Rifles, Rifle/Carbine Night and does not include Sniper Rifles, Combat Day & Night required, and including Specialty Weapons.

The following revisions include:

- Shotgun Day - (Ballistic or equivalent ammunition required)  
Distance: To be determined by agency based on ammunition carried.  
Positions: Standing and Kneeling  
Minimum Rounds: 10
- Shotgun Night -(Ballistic or equivalent ammunition required)  
Distance: To be determined by agency based on ammunition carried.  
Positions: Standing and Kneeling  
Minimum Rounds: 10  
Light Conditions: Variable from total darkness to all available light.



NOTE: Handheld or gun mounted lights MAY BE USED throughout the course of fire.

- Rifle/Carbine - Day (does not include Sniper Rifles)  
(Ballistic or equivalent ammunition required)  
Distance: 7 yards to 50 yards (minimum – distance can be extended)  
Positions: Standing, Kneeling and Prone  
Minimum Rounds: 20
  - Approximately 25% fired from 15 yards.
  - Approximately 25 % fired from 25 yards.
  - Approximately 25 % fired from 50 yards
  - Approximately 25% fired from distances determined by agency.
- Rifle/Carbine - Night (does not include Sniper Rifles)  
(Ballistic or equivalent ammunition required)  
Distance: 7 yards to 50 yards (minimum – distance can be extended)  
Positions: Standing, Kneeling and Prone  
Minimum Rounds: 20
  - Approximately 25% fired from 15 yards.
  - Approximately 25 % fired from 25 yards.
  - Approximately 25 % fired from 50 yards
  - Approximately 25% fired from distances determined by agency.Light Conditions: Variable from total darkness to all available light.  
NOTE: Handheld or gun mounted lights MAY BE USED throughout the course of fire.
- Combat Day & Night Course Required -(Ballistic or equivalent ammunition required)  
Combat courses of fire are conducted primarily with the duty handgun, but shotguns and rifles/carbines may be incorporated into the course of fire.
- Specialty Weapons - (Manufacturer recommended ammunition required)  
Required if carried on both day and night courses of fire. Courses of fire will be determined by the agency use, industry standards, or manufacturer's recommendations. These weapons include fully automatic or burst fire weapons, sniper rifles, gas or less lethal munitions weapons.

Commissioner Johnson reviewed the training manuals on Long Gun Low Light Qualification and shared the rules requiring firearms qualification for various weapons. He advised once finalized, manuals can be revised and become effective concurrent with rule 12 NCAC 09E .0106 and become effective January 2019. The new Long Gun Qualification requirements will be effective for review in January and qualifications will be completed by December 31, 2019. This will allow agencies 15 months to prepare for changes. The new requirements will be made available for publication in the In-Service Firearms Manual prior to implementation.

Commissioner Pendergraft clarified this was an Informational item and explained the Commission currently does not have any low light requirement for shotgun, rifle and carbine. Commissioner Johnson requested additional suggestions from the Committee and a vote before the rule becomes effective. He shared a suggestion made for the ammunition amounts to the duty or ballistic equipment for the rifle carbine be reduce

from 30 to 20 since the rifle ammunition comes boxed in 20 count. Several Committee Members were in agreement to the suggestion made.

A general consensus was made by the Committee Members.

*Two additional topics of discussion was addressed before the Committee. Required Regualification of Agency Service Handgun and BLET Comprehensive Written Examination Failures.*

### **Required Regualification of Agency Service Handgun**

On behalf of the CJ Standards Division, Director Steven Combs appeared before the Committee requesting guidance for issuance of newly serviced handguns by the Greensboro Police Department under rule *12 NCAC 09E .0106 - Annual In-Service Firearms Qualification*. This rule requires officers to requalify with newly issued service handguns.

The Greensboro Police Department contacted the Standards Division and requested guidance for their agency's reissuance of service handguns due to a manufacture recall. Director Combs sought advice from the Committee and Legal Counsel for Greensboro's current situation. Director Combs inquired about the Division's authority to require officers to requalify and suggested a letter advising Greensboro PD of the Division's opinion in requalification. He suggested possible language change was needed to clarify this rule in preparation for the November meeting.

Commissioner Glenn McNeill Jr. shared the State Highway Patrol's experience with reissuance of handguns and offered to contact Greensboro to share the outcome.

### **Committee Action**

Vice-Chairman Eddie Caldwell shared several suggestions for Director Combs and the Committee to consider when addressing Greensboro's situation. The Committee suggested the following language to address the current situation with Greensboro Police Department.

The Commission adopted the following interpretation of the Education and Training Committee of 12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifics:

- “It is the Committee's interpretation that officers shall qualify with their newly issued handguns prior to carrying the handgun on duty in a situation where the officers' previously issued handgun is recalled by the manufacturer.”

Commissioner Glenn McNeill Jr proposed a **motion** the Committee provide the suggested language to Director Combs to address Greensboro Police Department's situation, with a **second** from Commissioner Lee Farnsworth, **motion carried.**

*The Commission Legal Counsel, Whitney Belich entered the meeting and shared in the discussion.*

Ms. Belich shared her understanding with the Committee's interpretation and viewpoint of the rule. She agreed the rule appeared ambiguous and clarification would be necessary. As the Commission's Legal Counsel she could only advise how the Committee and Commission should address Greensboro PD's situation. She suggested the agency has the option to seek advice from their legal staff in consideration to the Commission's suggestion and may determine how the agency decides to proceed.

Several Commissioners shared different scenarios regarding weapon use and questioned what constitutes requalification. The rule remained unclear as addressed. Commissioner Johnson shared the difficulty for any rule to address every scenario and agreed a letter should be submitted to advise an agency's liability and concern for requalification.

### Commission Action

The Committee suggested revisions to the following rule 12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifics:

- A future rule change shall be brought before the Commission in order to address the concerns and ambiguity of the current rule.

Having approved the recommendations as presented, Commission Steve Johnson proposed a **motion** that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend rule **12 NCAC 09E .0106 – Annual In-Service Firearms Qualification Specifics**, with a **second** from Commissioner Nathan Mizell, **motion carried**.

Mr. Trevor Allen suggested a return for the November meeting with language change for the rule.

Robin Pendergraft thanked Vice Chair Steve Johnson for his assistance, everyone's suggestions and Whitney Belich's appearance before the Committee.

### BLET Comprehensive Written Examination Failures

On behalf of the Criminal Justice Standards Division, Charminique Williams appeared and provided the Committee with an update on BLET Comprehensive Written Examination failures. The information was requested for further research from the previous meeting in May involving the most failures in certain units of the BLET Program.

With no further business, Commissioner Nathan Mizell proposed a **motion** to adjourn, with a **second** from Commissioner Glenn McNeill Jr, **motion carried**.

The **meeting adjourned** at 3: 10 pm.